

Probate Notes for October 4, 2012

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you wish to continue a matter, please contact the civil division at (530) 406-6704.

Please note: The department and time for probate matters is **Department One at 9:00 a.m.**, unless otherwise noted.

CASE: Estate of Chan
Case No. CV PB 12-163

It is recommended to deny the petition to administer the estate. The decedent died intestate. The heirs at law, Avril Bee Yong Chan and Robert Choon Ngon Chan, both reside in Auckland, New Zealand. If it appears that any property will pass to a citizen of a foreign country, notice must be given to a recognized diplomatic or consular official of the foreign country maintaining an office in the United States. (Prob. Code, § 8113.) Further, proof of publication has not been filed with the Court. (Prob. Code, § 8120 et seq.)

The Court is in receipt of a letter from petitioner's counsel dated September 27, 2012, which indicates petitioner will seek an order appointing him as special administrator on October 4, 2012. However, the Court notes that a petition for appointment of special administrator has not been filed with the Court, and proper notice for such appointment has not been provided. The waivers of notice executed by Avril Bee Yong Chan and Robert Choon Ngon Chan on September 9, 2012, are limited to the hearing on the original petition for letters of administration. (Prob. Code, §§ 8003, 8540, 8545; Cal. Rules of Court, rule, 7.101.)

CASE: Conservatorship of Dunsmore
Case No. CV PB 95-105

This matter is **CONTINUED** to October 30, 2012, at 9:00 a.m. in Department One.

CASE: Estate of Pescaglini
Case No. CV PB 12-151

The Court notes the following deficiency: The proof of publication filed on September 12, 2012, provides an incorrect date of the hearing, and the wrong case number for this matter. (Prob. Code, § 8120 et seq.)